

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
BURBERRY LIMITED UK and BURBERRY
LIMITED USA

Plaintiff(s),

- against -

DESIGNERS IMPORTS, INC. d/b/a/
DESIGNERS IMPORTS.COM USA, INC.

Defendant(s),

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: ~~DEC 17 2007~~

07 Civ. 3997 (PAC)

First Amended

CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

This Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed. R. Civ. P.

1. All parties (consent) (do not consent) to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). [Circle one.] [If all consent, the remaining paragraphs need not be completed.]
2. This case (is) (is not) to be tried to a jury. [Circle one.] The parties dispute the Jury Trial issue.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within days from the date of this Order. [Absent exceptional circumstances, thirty (30) days.]
4. Initial disclosure pursuant to Rules 26(a)(1), Fed. R. Civ. P., shall be completed not later than days from the date of this Order. [Absent exceptional circumstances, fourteen (14) days.]
5. All fact discovery shall be completed no later than March 7, 2008. [A period not to exceed 120 days, unless the Court finds that the case presents unique complexities or other exceptional circumstances.]
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above:
 - a. Initial requests for production of documents to be served by November 5, 2007.
 - b. Interrogatories to be served by November 5, 2007.
 - c. Depositions to be completed by February 22, 2008.

d. Requests to Admit to be served no later than November 5, 2007.

7. a. All expert discovery shall be completed no later than April 21, 2008 [Absent exceptional circumstances, a date forty-five (45) days from the date in paragraph 5, i.e. the completion of all fact discovery.]

b. No later than thirty (30) days prior to the date in paragraph 5, i.e. the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) plaintiff(s)' expert report(s) shall be due before those of defendant(s)' expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).

8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.

9. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.

10. a. Counsel for the parties have discussed an informal exchange of information in aid of an early settlement of this case and have agreed upon the following:
Some limited discussions have occurred but have not been productive.

b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case: A settlement conference before a Magistrate Judge.

c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed at the following point in the case (e.g. within the next sixty days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery)
After the close of fact discovery.

d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is later). By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the premotion conference requirement is waived) shall be

filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed voir dire, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.

12. Counsel for the parties have conferred and their present best estimate of the length of trial is:
3-4 days

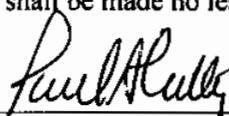
13.

Civil Case Management Plan Requirement	
Motion to amend or to join additional parties to be filed no later than:	10/11/07
Initial Disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P. to be served no later than	09/26/07
All fact discovery to be completed no later than:	03/07/08
Discovery - initial requests for production of documents to be served no later than:	11/05/07
Discovery - interrogatories to be served no later than:	11/05/07
Discovery - depositions to be completed no later than:	02/22/08
Discovery - requests to admit to be served no later than:	11/05/07
All expert discovery to be completed no later than:	04/21/08
Parties to meet to confer on scheduled for expert disclosures no later than:	02/07/08
All counsel to meet face-to-face to discuss settlement no later than:	03/10/08
Date recommended by counsel for alternate dispute resolution:	03/10/08

TO BE COMPLETED BY THE COURT:

14. The next Case Management is scheduled for March 10, 2008 - 3:00 PM

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend shall be made in a written application in accordance with paragraph 1(E) of the Court's Individual Practices and shall be made no less than two (2) days prior to the expiration of the date sought to be extended.



Paul A. Crotty
United States District Judge

Dated: New York, New York
December 11, 2007

ARNOLD & PORTER LLP

John Maltbie
John.Maltbie@aporter.com

212.715.1103
212.715.1399 Fax

399 Park Avenue
New York, NY 10022-4690

December 10, 2007

VIA EMAIL (CrottyNYSDChambers@nysd.uscourts.gov)

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street, Room 735
New York, New York 10007

Re: Burberry Limited UK and Burberry Limited USA v. Designers Imports, Inc. d/b/a Designers Imports.com USA, Inc. — 07 cv 3997 (PAC) —
Parties' Request for Extension of Discovery Cutoff

Dear Judge Crotty:

We represent Burberry Limited UK and Burberry Limited USA (collectively “Burberry”) in the above-referenced action. We are writing on behalf of all parties to respectfully request a 60-day extension of the current discovery schedule.

While the parties have met all the interim deadlines with respect to the service of written discovery set out in the September 12, 2007 Civil Case Management Plan and Scheduling Order (the “Scheduling Order”), there have been some disputes between the parties with respect to the propriety of certain of the written discovery requests. Rather than burden the Court with motion practice, however, the parties have been attempting in good faith in the hope that we will be able to reach an agreement with respect to the outstanding discovery disputes as well as a schedule for finalizing fact discovery. Unfortunately, however, it does not appear that the parties will be able to do so and complete fact discovery prior to the January 7, 2008 fact discovery cutoff set out in the Scheduling Order.

Accordingly, the parties jointly respectfully request a 60-day extension of the current schedule as set forth in the attached proposed Revised Scheduling Order. In accordance with paragraph 1(E) of the Court’s Individual Practices, we note (i) that the original fact discovery cutoff in this matter was January 7, 2008 and that the instant request would extend the fact discovery cutoff to March 7, 2008; (ii) that no prior requests for extension have been made; and (iii) that counsel for defendant joins Burberry in this request. Finally, as noted above, a proposed Revised Scheduling Order is attached, which we ask the Court to so order.

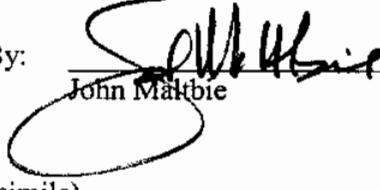
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The Honorable Paul A. Crotty
December 10, 2007
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We thank the Court for its attention to this matter and look forward to participating in the conference scheduled for December 17, 2007 at 2:00 pm.

Respectfully yours,

ARNOLD & PORTER LLP

By: 

John Maltbie

cc: Martin Saperstein, Esq. (via facsimile)
*Counsel for Defendant Designers Imports, Inc. d/b/a
Designers Imports.com USA, Inc*